

REMARKS/ARGUMENTS

Claims 1-8, 14-18 and 20-25 are pending in the application. Claims 1-8, 14 and 20-23 are amended; and claims 9-13 and 19 are cancelled, without prejudice or disclaimer, to promote prosecution. New claims 24-25 have been added.

Rejections under 35 U.S.C. 101.

Claims 1-9 were rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 9-13 of prior U.S. Patent No. 6,004,533. The pending claims have been amended to claim imaging or treating a tumor, and thus the claims are not identical. Accordingly, it is submitted that this rejection should be withdrawn.

Claims 1-8 and 14-18 were rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-13 of prior U.S. Patent No. 5,739,313. Independent claim 1 as amended does not claim a compound, and thus the amended claims are not identical to claims 1-8 of '313. The amended claims pertain to imaging or treating a tumor, as opposed to evaluating kidney, liver, spleen or intestinal function, thus the amended claims are different from claims 9-13 of '313 patent. It is accordingly submitted that this rejection should be withdrawn.

Rejections under the nonstatutory judicially created doctrine of obviousness-type double patenting.

Claims 9-13 were rejected under the doctrine of obviousness-type double-patenting over claims 1-8 of U.S. Patent No. 5,739,313. A Terminal Disclaimer will be submitted upon receiving an indication of allowable subject matter.

Claims 1-13 were rejected under the doctrine of obviousness-type double-patenting over claims 1-5 of U.S. Patent No. 6,211,355. The cited claims of '355 are directed to a method of preparing compounds, whereas the pending amended claims claim a method of imaging or treating a tumor, which is not obvious in view of the claims of the '355 patent. It is therefore requested that this rejection be withdrawn.

Claims 1-13 were rejected under the doctrine of obviousness-type double-patenting over claims 1-4, 6-16, 23, 25, 27, 29-32, 35, 37-41, 43, 45 and 47 of U.S. Patent No. 6,613,305.

Claims 1-4, 6-16, 23, 25, 43, 45 and 47 of the '305 patent are directed to compounds, and claims 27, 29-32, and 37-41 of the '305 patent claim a unit dose, whereas the pending amended claims claim a method of imaging or treating a tumor, which is not obvious in view of the '305 patent. Therefore withdrawal of this rejection is respectfully requested.

Claims 1, 4-6, 14, 19, and 23 were rejected under the doctrine of obviousness-type double-patenting over claims 1,3, 5, 6 and 8 of U.S. Patent No. 6,096,290. A Terminal Disclaimer will be submitted upon receiving an indication of allowable subject matter.

Claims 1-10 were rejected under the doctrine of obviousness-type double-patenting over claims 1-8 and 14-23 of U.S. Patent No. 6,004,533. A Terminal Disclaimer will be submitted upon an indication of allowable subject matter.

Claims 1-4, 7-10, and 13 were rejected under the doctrine of obviousness-type double-patenting over claims 25 and 30 of U.S. Patent No. 6,806,363. The cited claims of the '363 patent are directed to compounds, whereas the pending amended claims are directed to a method of imaging or treating tumors, which is not obvious in view of the claims of the '363 patent. Withdrawal of this rejection is therefore respectfully requested.

Claims 1-13 were provisionally rejected under the doctrine of obviousness-type double-patenting over claims 1, 28-36, 39 and 40 of copending Application No. 09/873,142. The '142 application is abandoned, therefore withdrawal of this rejection is respectfully requested.

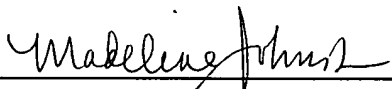
Claims 1-13 were provisionally rejected under the doctrine of obviousness-type double-patenting over claims 1 and 28-36 of copending Application No. 09/873,164. The '164 application is abandoned, therefore withdrawal of this rejection is respectfully requested.

Claims 1-4, 9-13, and 19 were provisionally rejected under the doctrine of obviousness-type double-patenting over claims 1, 3, 15, 16, and 18 of copending Application No. 10/027,593. Claim 9 was provisionally rejected under the doctrine of obviousness-type double-patenting over claim 1 of copending Application No. 10/028,857. Claims 1-3, 9, and 19-22 were provisionally rejected under the doctrine of obviousness-type double-patenting over claims 1, 24, 29, 44, 54, 56, 57, 59, 70, 73 and 74 of copending Application No. 10/777,820. Should the Examiner maintain this rejection with respect to the amended claims, Terminal Disclaimers will be submitted upon the indication of allowable subject matter.

U.S.S.N. 10/620,273
Amdt. dated Aug. 8, 2005
Reply to Office action of Feb. 9, 2005

The Commissioner is authorized to charge any additional fee or credit any overpayment associated with this submission, to Deposit Account No. 11-0980.

Respectfully submitted,
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